

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Case No. 18-cv-1776 (JRT/JFD)

This Document Relates to:
All Actions

JOINT STIPULATION TO AMEND THE PRETRIAL SCHEDULING ORDER

Counsel for Defendants and Direct Purchaser Plaintiffs, Commercial and Institutional Indirect Purchaser Plaintiffs, and Consumer Indirect Purchase Plaintiffs (together, “Class Plaintiffs”) (collectively the “Parties”) in the above-captioned consolidated action stipulate and hereby jointly request, pursuant to Federal Rule of Civil Procedure 16(b)(4) and D. Minn. Local Rule 16.3, that the Court amend the January 26, 2021 Pretrial Scheduling Order (ECF No. 658) to continue the deadline to file non-dispositive motions and supporting documents from September 1, 2022 to November 14, 2022, or 14 days after the close of fact discovery, whichever date is the latest, for good cause as set forth herein. The Parties agree that good cause exists to amend the deadline to file non-dispositive motions in order to provide the Parties adequate time to raise any issues arising out of discovery.

The January 26, 2021 Pretrial Scheduling Order (ECF No. 658 at 4, 10) provided that the deadline to file non-dispositive motions and the close of fact discovery were aligned, falling on September 1, 2022. On June 16, 2022, the Court granted the Parties’ Joint Stipulation to Amend the Pretrial Scheduling Order (ECF No. 1393) and continued the close of fact discovery to October 31, 2022. (ECF No. 1397.) The Order Amending Pretrial Scheduling Order (ECF No. 1397), however, did not continue the deadline to file non-dispositive motions and supporting documents.

Numerous provisions of the January 26, 2021 Scheduling Order (ECF No. 658) are not applicable to Direct Action Plaintiffs’ (“DAPs”) cases because DAPs have objected to them. (Nov. 14, 2021 Mem. Order, ECF No. 985 at 12, ¶ 7.) DAPs and Defendants each

submitted proposals for a Case Management Order (“CMO”) to govern the DAP cases.^[1] The schedule in the proposed CMO for the DAP cases included the same fact discovery deadline of September 1, 2022 from ECF No. 658, and DAPs did not object to the application of that deadline in that Order. Therefore, the September 1, 2022 deadline applies to the DAP cases, and DAPs – with the exception of Sysco and Amory^[2] – support this requested extension of time relating to non-dispositive motions.

The Parties now agree to continue the deadline to file non-dispositive motions and supporting documents to November 14, 2022, or until 14 days after close of fact discovery, whichever date is the latest.

^[1] No CMO for the DAP cases has been entered to date. *See, e.g.*, ECF No. 1335 (the Court’s reference on May 10, 2022 to a “forthcoming case management order”).

^[2] DAPs Sysco Corporation and Amory Investments LLC do not support this stipulation, believing instead that the extension should apply only to “discovery-related” non-dispositive motions. All other DAPs do support the extension.

DATED this 8th day of September 2022.

Respectfully submitted,

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